

**REMARKS**

Claims 1-26 were originally filed in the present application. In the Restriction Requirement mailed June 30, 2004, the Examiner restricted claims 1-26 into the following four groups:

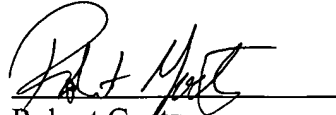
- I. Claims 1-10 and 17-26, drawn to a seed-specific promoter and plants transformed therewith, and methods for their use to express heterologous sequences encoding protein or RNA, classified in class 800, subclass 287, for example;
- II. Claims 11-12, drawn to a method for isolating a seed-specific promoter via the use of ESTs, classified in class 435, subclass 91.1, for example;
- III. Claims 13-14, drawn to a method for isolating a seed-specific promoter via probing with entire seed-specific promoters, classified in class 536, subclass 24.1, for example; and
- IV. Claims 15-16, drawn to a method for isolating a seed-specific promoter via partial genomic sequence analysis, classified in class 435, subclass 6, for example.

(Restriction Requirement, page 2). Applicants herein elect, without traverse, to prosecute the claims of Group I. Applicants also herein cancel claims 11-16 in order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, and while preserving the right to prosecute the canceled (or similar) claims in the future.

Additionally, the Applicants now cancel Claims 1-10, amend Claims 17-20, and provide new Claims 27-35. Amended Claims 17-20 and new Claims 27-35 are drawn to a seed-specific promoter and plants transformed therewith, and methods for their use to express heterologous sequences encoding protein or RNA, and thus fit within the criteria of Group 1. Amended Claims 17-20 and new Claims 27-35 do not constitute new matter. Support for amended Claims 17-20 and new Claims 27-35 is located within the Specification, for example, at page 11, lines 21-33, and page 12, lines 1-9.

As such, Claims 17-35 are pending and under examination following entry of Applicants' amendment and response to the outstanding Restriction requirement.

Dated: 7/22/2004

  
Robert Goetz  
Registration No. 55,210

MEDLEN & CARROLL, LLP  
101 Howard Street, Suite 350  
San Francisco, California 94105  
608.218.6900